

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:	17-Jun-08	APPL. S. N.:	08818158
To Examiner:	VU, THONG	Art Unit	2619
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
  - is not an attorney "of record" (see 14.29 and 14.29.01).
  - has failed to state his/her capacity to sign for the business entity (see 14.28).
  - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED] 
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date:

<b>Application Number</b> 	Application/Control No. 08/818,158	Applicant(s)/Patent under Reexamination ANDREWS ET AL.

<b>Document Code - DISQ</b>	<b>Internal Document – DO NOT MAIL</b>
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<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : April 11, 2008	<b>This patent is subject to a Terminal Disclaimer</b>	

**Approved/Disapproved by:**

Henry D. jefferson

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gregory P. Andrews et al. Art Unit: 2619  
Serial No.: 08/818,158 Examiner: Thong H. Vu  
Filed: March 14, 1997  
For: A COMPONENT DOWNLOAD SELECTION MECHANISM FOR WEB  
BROWSERS

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**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING**  
**REJECTION (37 CFR 1.321(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. I, James R. Nock, submit this disclaimer and certificate on behalf of the assignee, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York having its principal place of business at New Orchard Road, Armonk, New York 10504, the Disclaimant herein.

2. I hereby certify that INTERNATIONAL BUSINESS MACHINES CORPORATION is the assignee of the entire right, title and interest in the patent application identified above by virtue of Assignment of record, recorded in the Patent and Trademark Office at Reel 8617, Frames 0791-0793. I further certify that I have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

3. I am empowered to act on behalf of the assignee as identified below.

Disclaimer

4. Disclaimant, INTERNATIONAL BUSINESS MACHINES CORPORATION hereby disclaims the terminal portion of the term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,021,418. Disclaimant, INTERNATIONAL BUSINESS MACHINES CORPORATION, hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,021,418, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

5. Disclaimant, INTERNATIONAL BUSINESS MACHINES CORPORATION, does not, by this disclaimer, disclaim any part of the term of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,021,418, in the event that later such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated in whole or in part, prior to expiration of its full statutory term, except for through separation of legal title as stated above.

6. I hereby declare that the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements

and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Fee Status and Payment

7. Disclaimant is a large entity, and the disclaimer fee pursuant to 37 C.F.R. §1.20(d) is enclosed herewith. Please charge any fee deficiency to Deposit Account Number 23-3000.

Respectfully submitted,

INTERNATIONAL BUSINESS MACHINES CORPORATION

  
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By: James R. Nock  
Senior Attorney  
INTERNATIONAL BUSINESS MACHINES CORPORATION